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9 UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 RICHARD A. SILBER, an individual and on behalf
11 of all others similarly situated,

12 Plaintiffs,

13 vs.

14 SHOP-VAC CORPORATION, a Pennsylvania
15 Corporation, and DOES 1 through 100, inclusive.

16 Defendants.

CASE NO. 3:08CV00637-JLS-RBB

CLASS ACTION

**DEFENDANT'S NOTICE OF
WITHDRAWAL OF MOTIONS TO
DISMISS (FRCP 12(B)(6)) AND TO
STRIKE (FRCP 12 (F))**

17 Defendant Shop-Vac Corporation ("Shop-Vac") hereby voluntarily withdraws its Motion to
18 Dismiss Plaintiff's Complaint brought pursuant to FRCP 12 (b)(6) and its Motion to Strike Plaintiff's
19 Complaint brought pursuant to FRCP 12(f), both of which were set for July 18, 2008 before this
20 Court.

21 DATED: June 17, 2008

ARMSTRONG TEASDALE LLP

/s/ Susan D. Condon

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system this 17th day of June, 2008 upon the following:

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